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## Fair Use in the Digital Environment

### *A Research Guide*

***By Melanie Schlosser Guest Columnist***

This is my first column as the new The Alert Collector editor. I have huge shoes to fill and am deeply aware of the quality and integrity that Diane Zabel established for this column during the past seven years. I am honored that she would entrust me with her column as she becomes the editor of this journal.

Fair use affects us all, be we public, academic, special, or school librarians. As part of my plans for this column are to include articles that appeal to a wide range of librarians and readers, I am delighted that Melanie Schlosser has taken on the task of collecting the resources we need when facing a copyright and fair-use question. Ms. Schlosser, an MLS candidate at Indiana University's School of Library and Information Science and a Fellow in the Digital Libraries Education Program, has a special interest in access to information and digital rights, and works on the front line of these issues as she helps with Indiana University's Digital Library Program (DLP). Her goal with this column is to provide a useful tool for the ever-increasing number of librarians and library students who work with digital collections or who want to take an active role in ensuring access to information in the digital age.

I hope to continue to edit columns that have as broad an appeal and application. As a collection development and readers' advisory librarian, I am immersed in the world of books and enjoy nothing more than finding out about new resources and reading pathways. I believe that interest is not determined by type of library or type of job, but by the wide-ranging interests we have as individuals and collectively as a profession. I hope this space can become a meeting ground for those interests. I invite your comments and suggestions and look forward to sharing wonderful books and resources with you.—*Editor.*

The Western notion of copyright dates back to the fifteenth century and the advent of movable- type printing presses. When many years of painstaking labor were required to create one manuscript, limitations on copying were unnecessary. The invention of the printing press, however, made mass production and copying of books not only feasible, but profitable. "For the first time, the value of the author's genius could outweigh the cost of the scrivener's labor."<sup>1</sup> It took centuries, however, for the laws to catch up with the technology and determine who should benefit from the proceeds of book printing. It is no surprise, therefore, that the advent of digital information should shake the very foundations of modern copyright laws. As with the printing

press, computing and network technologies have changed the nature of the text. A user's ability to make a perfect digital copy of a work and distribute it instantly around the world is as far beyond the printing press as the press was beyond the medieval illuminated manuscript. The law is currently in a state of upheaval, with interested parties on all sides (for example, authors, publishers, educators, and the public) struggling to claim their rights as it changes. This research guide gives the reader an overview of the changes that are sweeping the world of copyright by focusing on fair use and its fate in the digital environment.

## **FAIR USE**

Article I of the United States Constitution states that Congress shall have the power "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." This brief but powerful statement performs two separate functions. It grants to Congress the authority to create copyright laws, but also reminds the lawmakers that the ultimate goal of any such law must be to serve the public good through "the progress of science and useful arts." Following this directive, Congress and the courts have always attempted to strike a balance between the rights of authors and the rights of users, but "it is rarely a neat balance that satisfies opposing interests."<sup>2</sup> With each new advance in technology, from player piano rolls to photocopiers, the law has adapted, generally granting enough new protections to frustrate users and too few to satisfy rights holders.

One of the most important tools for users of copyrighted information in the United States, often called the safety valve of copyright, has always been the doctrine of fair use. A highly simplified definition of fair use states that it "permits the reproduction, for legitimate purposes, of material taken from a copyrighted work to a limited extent that will not cut into the copyright owner's potential market for the sale of copies."<sup>3</sup> Fair use as a successful defense against copyright infringement has existed since the 1891 Supreme Court decision in *Folson v. Marsh* and has been a regular feature in court cases ever since. It was not until almost ninety years later, however, that the doctrine of fair use was set down in law. The Copyright Act of 1976 distilled years of court cases into four factors which contribute to a determination of fair use: (1) the purpose and character of the use; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work.

## **FAIR USE AND DIGITAL INFORMATION**

To understand the upheaval surrounding copyright of digital information, it is necessary to understand the ways in which digital information has revolutionized scholarship and communication. The most obvious consequence of the digital revolution is the ability to create and distribute a perfect copy of a work. Some of the most high-profile copyright cases over the past few years have hinged on peer-to-peer file-sharing networks and illegal duplication of CDs and DVDs. To the horror of many copyright holders whose works exist in a digital format, the Internet "has created a new avenue for copyright infringement on a global scale."<sup>4</sup> The sophisticated nature of computer technology has created other, less obvious, challenges to traditional copyright law. For example, a strict interpretation of the reproduction right—that only the copyright holder is

permitted to make or authorize copies of the work—would make illegal all Internet browsing since it involves making temporary copies in the computer’s short-term memory.

These fears and uncertainties, along with the desire to cooperate with international intellectual-property treaties, led to the 1998 passage of the Digital Millennium Copyright Act (DMCA). DMCA, which significantly altered U.S. copyright law, has been a frequent target of users’ rights advocates. The most controversial portion of DMCA has been the anticircumvention provision, which imposes stiff penalties for circumventing technological protections such as encryption.

The fate of fair use in this environment is uncertain. The biggest threats it faces are license agreements and Digital Rights Management (DRM) technologies and the laws that enforce them. Critics of DMCA often cite fair use as a casualty of the anti-circumvention provision. As summarized in a core legal handbook, “[t]he chief concern of many of these critics is that the statute erodes the ability of parties to make fair use of copyrighted works and that it may ultimately shrink the public domain.”<sup>5</sup> If a work is protected from unauthorized use by technological means, and circumventing that technology is a crime, how are librarians, educators, and scholars to make fair use of it? DMCA states explicitly that fair use is not to be affected, but its critics have yet to be convinced.

Software distributors and creators of digital content, concerned with unauthorized use, have been reluctant to rely on technological protections alone to enforce the law. Instead, they have turned to license agreements. Before downloading or accessing the product in question, the user is required to agree to a set of acceptable uses. Users’ rights advocates have long been wary of these shrinkwrap licenses because they allow providers to basically write their own copyright law. To date, the courts have not ruled on the legality of these agreements, but they are increasingly common in the world of digital content.

These developments mark a type of Wild-West mentality regarding the copyright of digital information. Copyright law is famously difficult to understand and apply with precision. If copyright holders feel they cannot rely on either the public’s understanding and goodwill or the practical barriers to large-scale infringement, they create their own barriers. This is an understandable response to the uncertain state of the law, but it marks a seismic shift in the practice of copyright in the United States. In *Copyright’s Highway*, Goldstein muses that “technical protection measures, and legislation buttressing these measures, are a direct challenge to the premise that copyright is a system of balances. They also challenge the more fundamental premise of all forms of intellectual property, that property law is a less costly and more efficient mediator between owners and users than are fences and laws against tearing down fences.”<sup>6</sup> If fences are the order of the day, the rights of users are likely to be hemmed into smaller and smaller regions.

## **OBJECTIVES AND JUSTIFICATION**

The research supported by this guide is necessary for a number of reasons. First, the unsettled state of copyright law with regard to digital information has practical implications for users of copyrighted information. Librarians need to know how to legally implement an e-reserves system, or if they can reproduce a book jacket on a book discussion guide; teachers need a way to determine how many and what kind of copies they are allowed to make for their classes; and students need to understand that copyright law does, indeed, affect them at school and at home.

The handbooks, laws, and guidelines included in this guide can help these and other users to understand their rights and obligations.

The rate at which copyright law is evolving, although frustrating for many, is also an opportunity. Some of the authors cited in this guide suggest that a wholesale reimagining of copyright law is necessary to deal with a new kind of information. Whether or not that will be the case, the law will certainly continue to change. An understanding of the rights of users, starting with fair use, is important for those who want to advocate for their continuation. The educational and library communities need to involve themselves in the creation of the new copyright climate to make sure the needs of users are taken into consideration.

## THE LAW

United States copyright law is available in a number of formats, from a number of sources. The full text of the laws, either as a whole or chapter by chapter, can be downloaded in PDF or text version from the Web site of the Copyright Office, found at [www.copyright.gov/title17](http://www.copyright.gov/title17). The laws are also published in print in a number of formats, including *Copyright Law of the United States and Related Laws Contained in Title 17 of the United States Code. Circular 92*.

## GUIDELINES

The ambiguity of the law concerning fair use contributes to its strength and flexibility, but it can be frustrating for librarians, university officials, library directors, and other administrators who must constantly evaluate policies and practices against the four factors of fair use (the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion taken, and the effect of the use on the potential market) to determine their legality. In an attempt to clarify the law and develop fair-use best practices, a number of organizations have developed “Fair-Use Guidelines.” Without having the force of law, these documents set down reasonable interpretations of fair use in situations ranging from classroom copying to video recording of broadcasts. Since their creation, however, these guidelines have been a source of controversy. This section includes the most influential guidelines and a series of articles debating their merits.

The Conference on Fair Use. *Report to the Commissioner on the Conclusion of the First Phase of the Conference on Fair Use*. Washington, D.C.: U.S. Patent and Trademark Office, 1997. Also available on the Web at: [www.uspto.gov/web/offices/dcom/olia/confu/conclu1.html](http://www.uspto.gov/web/offices/dcom/olia/confu/conclu1.html)

The Conference on Fair Use (CONFU) created three sets of guidelines covering digital images, distance learning, and multimedia development.

U.S. Copyright Office. *Reproduction of Copyrighted Works by Educators and Librarians*. Washington, D.C.: Copyright Office, Library of Congress, 1998. Also available on the Web at: [www.copyright.gov/circs](http://www.copyright.gov/circs)

Also known as “Circular 21,” this is a reprint of four sets of guidelines developed in the late 1970s and early 1980s dealing with new technologies and the challenges they posed to copyright-law interpretation. Includes the Commission on New Technological Uses of Copyrighted Works (CONTU) guidelines.

Lunin, Lois F., ed. "Perspectives on Copyright and Fair-Use Guidelines for Education and Libraries." *Journal of the American Society for Information Science* 50, no. 14 (1999): 1,304–57.

This series of articles by ten authors, including Kenneth Crews and Laura Gasaway, approaches the issues of fair-use guidelines from a variety of perspectives and in situations ranging from e-reserves and distance learning to interlibrary loan.

## **BIBLIOGRAPHIES AND REVIEW ARTICLES**

Bibliographies and review articles provide lists and syntheses of resources for further study. The works listed here provide citations for government documents, guidelines, reference sources, and critical works.

Becker, Gary H. *Copyright: A Guide to Information and Resources*. Lake Mary, Fla.: G. H. Becker, 2003 (ISBN: 0-96665943-0).

Consists of a bibliography and a practical guide to copyright. The bibliography includes books and articles mainly published in the 1980s and 1990s, as well as Internet resources, lists of organizations, and libraries involved in copyright clearance. The guide section includes quick reference pages and guidelines for use of copyrighted works in all formats. Also includes information on laws and court rulings, model copyright policies, and sample forms.

Keplinger, Michael S. "Copyright and Information Technology," in *Annual Review of Information Science and Technology*. Vol. 15, ed. Martha E. Williams. White Plains, N.Y.: Knowledge Industry, 1980, 3-33. (ISBN: 0-914236-65-2)

Provides a thorough discussion of copyright as it applies to technology, and an explanation of major copyright developments of the 1970s, including the Copyright Act of 1976 and CONTU. Explores issues related to copyright of software, copyright and communications and photocopying. Includes an extensive bibliography

Rivera-Morales, Naomi A. "Fair-Use Guidelines: A Selected Bibliography" *Journal of the American Society for Information Science* 50, no. 14 (Dec. 1999): 1,353-57.

Includes an introductory essay and citations for fair-use guidelines and related literature, as well as primary and secondary sources for general background on fair use.

## **ENCYCLOPEDIA ARTICLES**

Encyclopedia articles are useful to those seeking an overview of a topic or looking to gain background knowledge before delving into more in-depth sources. The articles included in this section approach copyright and fair use from a variety of vantage points, but each of them is substantial enough to give the reader a basic understanding of the law and its applications. Most of the articles listed here have been published in the last three years and include discussion of recent legal and technological developments, including noteworthy court decisions. The older volumes

included provide detailed discussions of the history of copyright law and its intersection with technology

“Copyright,” in *West’s Encyclopedia of American Law*, 2nd ed. Detroit: Thomson/Gale, 2005 (ISBN: 0-7876-6367-0).

Contains information on the history of copyright law as well as an explanation of its scope and the rights accorded to copyright holders. Also touches on copyright duration, infringement, fair use, DMCA, the No Electronic Theft Act and more. Contains a reprint of the U.S. copyright form and information on major court cases.

Cummings, C, and E. G. Gunnells. “Copyright and Fair Use in Higher Education,” in

*Encyclopedia of Library and Information Science*, 2nd ed. Miriam A. Drake, ed., New York: Dekker, 2003 (ISBN: 0-8247-4259-1).

Gives an overview of copyright basic principles, such as what is covered, what rights are granted to the copyright holder, what the penalties are for infringement, what the exemptions cover. Contains a practical discussion of the use of the fair-use exemption in a college or university setting. Contains some discussion of new technologies and digital information.

Goldman, Abe A. “Copyright as It Affects Libraries: Legal Implications,” in *Encyclopedia of Library and Information Science*. Vol. 6, eds. Allen Kent and Harold Lancour. New York: Dekker, 1971, 63-75. (ISBN: 0-8247-2106-3)

Covers philosophical bases of copyright, the foundations of U.S. copyright law and their implications for libraries. Contains a good explanation of fair use as the safety valve of copyright.

18 AM. JUR. 2D *Fair Use Doctrine* §§ 78 to 86 (2004).

Includes an in-depth discussion of the four factors contributing to a determination of fair use. As a legal source, it is more technical than the general and library science encyclopedias, but it is well worth the effort to read and understand.

Ghosh, S. “Copyright Act of 1976,” in *Major Acts of Congress*, ed. Brian Landsberg. New York: Macmillan Reference USA: Thomson/Gale, 2004 (ISBN: 0-02-865749-7).

Contains a good history of the intersection of copyright and technology, from the 1908 Supreme Court ruling on player piano rolls, though the advent of film, television, the photocopier, and file sharing. Also contains background information on the reasons for the Copyright Act of 1976 and its major components.

“Digital Millennium Copyright Act,” in *McCarthy’s Desk Encyclopedia of Intellectual Property*, 3rd ed. J. Thomas McCarthy Roger E. Schechter, and David J. Franklyn, eds. Washington, D.C.: Bureau of National Affairs, 2004 (ISBN: 1-570-18401-1).

Discusses the international background of DMCA and its main features, including the anticircumvention and safe harbors for Internet service-providers’ provisions. Also includes a brief section on the controversy surrounding the law.

“Fair Use,” in *McCarthy’s Desk Encyclopedia of Intellectual Property*, 3rd ed. J. Thomas McCarthy, Roger E. Schechter, and David J. Franklyn, eds. Washington, D.C.: Bureau of National Affairs, 2004 (ISBN: 1-570-18401-1).

Includes sections on copyright fair use and trademark fair use. The copyright section discusses the four factors and some common issues, including fair use of unpublished works, parody and fair use on the Internet. Also includes a brief legislative history.

Nasri, W. "Copyright," in *ALA World Encyclopedia of Library and Information Services*, 2nd ed. Robert Wedgeworth, ed. Chicago: ALA, 1986 (ISBN: 0-8389-0427-0).

Discusses the history and philosophical underpinnings of U.S. and world copyright laws. Its coverage of technology-related copyright issues is particularly good.

## HANDBOOKS

Copyright and fair use are vital issues for those engaged in research, writing, art, and science. They can also be daunting in their scope and imprecision. Including copyrighted material in an original work often involves difficult decisions and unknown consequences. Fortunately, a number of guides have been written to help the user stay within the law while taking advantage of the full rights accorded the user of copyrighted works. The handbooks in this section are all excellent practical guides to copyright, each of which includes a substantial amount of information on fair use and the digital-information environment.

Bielefeld, Arlene, and Lawrence Cheeseman. *Technology and Copyright Law: A Guidebook for the Library, Research, and Teaching Professions*. New York: Neal-Schuman, 1999 (ISBN: 1-555-70267-8).

Bruwelheide, Janis H., and Mary Hutchins Reed. *The Copyright Primer for Librarians and Educators*, 2nd ed. Chicago: ALA; Washington, D.C.: National Education Association, 1995 (ISBN:0-8389-0642-7).

Crews, Kenneth D. *Copyright Law for Librarians and Educators: Creative Strategies and Practical Solutions*. Chicago: ALA, 2006 (ISBN:0-8389-0906-X).

Elias, Stephen, and Richard Stim. *Patent, Copyright and Trademark*, 7th ed. Berkeley, Calif.: Nolo, 2004 (ISBN: 1-413-30055-3).

Fishman, Stephen, "Copyright in the Online World, Electronic Publishing, and Multimedia," in *The Copyright Handbook: How to Protect and Use Written Works*. Berkeley, Calif.: Nolo, 2002 (ISBN: 0-87337-130-5).

Gasaway Laura N., and Sarah K. Wiant. *Libraries and Copyright: A Guide to Copyright Law in the 1990s*. Washington, D.C.: Special Libraries Association, 1994 (ISBN: 0-87111-407-0).

Heller, James S. *The Librarian's Copyright Companion*. Buffalo, N.Y.: Hein, 2004 (ISBN: 0-8377-3300-6).

Hoffmann, Gretchen McCord. *Copyright in Cyberspace: Questions and Answers for Librarians*. New York: Neal-Schuman, 2001 (ISBN: 1-555-70410-7).

Hoon, Peggy, ed. *Guidelines for Educational Use of Copyrighted Materials*. Pullman: Washington State Univ. Pr., 1997 (ISBN: 0-87422-161-7).

“Infringement and Fair Use,” in *The Copyright Book: A Practical Guide*, 4th ed. William S. Strong, ed. Cambridge, Mass.: MIT Pr., 1993 (ISBN: 0-262-19330-2).

Russell, Carrie. *Complete Copyright: An Everyday Guide for Librarians*. Chicago: ALA, 2004 (ISBN: 0-8389-3543-6).

Wherry, Timothy L. *The Librarian’s Guide to Intellectual Property in the Digital Age: Copyrights, Patents, and Trademarks*. Chicago: ALA, 2002 (ISBN: 0-8389-0825-X).

## BOOKS

The handbooks section above contains practical guides to copyright law and the application of fair use. This section includes more philosophical explorations of the topic, and should be of interest to those seeking to understand the broader implications of modern copyright practices for education, intellectual freedom, and scientific and cultural innovation. The works listed here also serve as an introduction to some of the most influential voices in the field, all of whom merit further study

National Research Council. Committee on Intellectual Property Rights and the Emerging Information Infrastructure. *The Digital Dilemma: Intellectual Property in the Information Age*. Washington, D.C.: National Academy Pr., 2000 (ISBN: 0-309-06499-6).

Explores the major issues in intellectual property with regards to digital information and a networked society, including public access, archiving, private use, fair use, and technological protection. The Committee “believes that fundamental change is afoot” and proposes principles for formulation of public policy from a variety of perspectives, including law, economics, psychology, and sociology

Crews, Kenneth D. *Copyright, Fair Use, and the Challenge for Universities: Promoting the Progress of Higher Education*. Univ. of Chicago Pr., 1993 (ISBN: 0-226-12055-4).

Makes the case that, by following narrow guidelines and formulating policies based on fear of infringement, universities have given away many of their rights under fair use, and calls for a “full reappraisal” of copyright law and guidelines as they apply to higher education. Contains an analysis of the copyright policies of ninety-eight American universities.

Goldstein, Paul. *Copyright’s Highway: From Gutenberg to the Celestial Jukebox*, rev. ed. Stanford, Calif.: Stanford Law and Politics/Stanford Univ. Pr., 2003 (ISBN: 0-8047-4735-0).

Explores the history and philosophical underpinnings of copyright from its earliest manifestation, largely through anecdotal histories of major court battles. Features excellent



analysis of the future implications of current technological innovations and the fundamental differences between U.S. and European intellectual property laws.

Lessig, Lawrence. *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*. New York: Penguin, 2004 (ISBN: 1-594-20006-8).

Functions as a call to arms over the shrinking of the public domain via intellectual-property law, including copyright, patents, and trademarks. Describes the historical balance between the rights of copyright owners and users and recommends solutions to the “creeping expansion” of control of information. Debunks common misconceptions such as “if value, then right” and the notion of widespread “piracy.”

Litman, Jessica. *Digital Copyright*. Amherst, N.Y: Prometheus Bks., 2001 (ISBN: 1-573-92889-5).

Describes how copyright laws are formed as interested parties hash out a compromise, and consumers are denied a seat at the table. Specific manifestations of this phenomenon are illustrated through the history of technological challenges to copyright law. The author’s proposed solution to the current intellectual-property crisis is fascinating—namely, to take the “copy” out of copyright.

Patterson, Lyman R. *The Nature of Copyright: A Law of User’s Rights*. Athens: Univ. of Georgia Pr., 1991 (ISBN: 0-820301347-5).

This highly influential book lays out a vision of copyright law that benefits copyright holders and users alike. The author’s doctrine of “users’ rights” provides a powerful framework for understanding fair use and the way in which the law responds to technological changes.

Vaidhyathan, Siva. *Copyrights and Copywrongs: The Rise of Intellectual Property and How it Threatens Creativity*. New York: New York Univ. Pr., 2001 (ISBN:0-8147-8806-8).

Advocates for “thin” copyright protection as more in keeping with the history of U.S. copyright law than the current trend toward consolidation and control. Responds to recent developments from a philosophical, rather than a purely legal perspective. Explores notions of “authorship” and “original works” through the lens of political philosophy and applies them to current battles over copyright of film and music.

## **CURRENT AWARENESS**

The periodicals below publish regularly on the topic and should be of interest to those wishing to keep abreast of recent developments. All of these titles are also available in electronic formats, generally via aggregators or other forms of subscription.

*Against the Grain*. Charleston, S.C.: Katina Strauch, 1989-. Bimonthly (ISSN: 1043-2094).

*American Libraries*. Chicago: ALA, 1970-. Eleven issues per year (ISSN: 0002-9769).

*Chronicle of Higher Education*. Washington, D.C.: Chronicle of Higher Education, 1966-. Weekly (ISSN: 0009-5982).

*Harvard Journal of Law and Technology*. Cambridge, Mass.: Harvard Journal of Law and Technology, 1988-. Three issues per year (ISSN: 0897-3393).

*Information Outlook: The Monthly Magazine of the Special Libraries Association*. Washington, D.C.: Special Library Association, 1997-. Monthly (ISSN: 1091-0808).

*Information Today*. Medford, N.J. Information Today, 1983-. Monthly, except Jul./Aug. (ISSN: 8755-6286).

*Library Journal*. New York: Reed Business Information, 1876-. Semimonthly, monthly Jul./Aug. (ISSN: 0363-0277).

*New Media Age*. London: Centaur Pub., 1997-. Weekly (ISSN: 1364-7776).

*Publishers Weekly*. New York: Reed Business Information, 1873-. Weekly (ISSN: 0000-0019).

## PERIODICAL DATABASES

The databases listed below include information on copyright and fair use, and are a good source for identifying recent articles on the topic. The best search strategy is presented for each database.

*Academic Search Premier*, EBSCO. From the Advanced Search page, search for “copyright” as a subject term and “fair use” and “digital” in default fields. Limit to scholarly publications and desired date range.

*Dissertation Abstracts*, ProQuest/UMI. From the Basic Search page, search for “copyright” and “fair use” as keywords.

*ERIC*, EBSCO. From the Advanced Search page, search for “copyright AND “fair use” AND digital.” Limit by desired date range and rank results by date or relevance.

*Library, Information Science & Technology Abstracts*, EBSCO. From the Advanced Search page, search for “copyright AND “fair use” AND digital.” Limit to scholarly publications and desired date range.

*LISA: Library and Information Science Abstracts*, CSA. From the Advanced Search page, search for “copyright” as a descriptor and “fair use” and “digital” anywhere. Limit to English and desired date range.

*Library Literature & Information Science Full Text*, Wilson. From the Advanced Search page, search for “copyright” and “fair use” as All-Smart Search and limit to peer-reviewed publications and desired date range.

*Social Sciences Citation Index*, Institute for Scientific Information. From Start page, click on Web of Science and General Search. Search for “copyright AND “fair use”” as Topic and limit to Language=English and Document Type=Articles as well as desired date range.

## **INTERNET RESOURCES**

The Internet resources listed below are all useful reference tools for research on copyright and fair use. Because fair use is an important concept in an educational institution, many universities maintain copyright-resource Web sites for their students, staff, and faculty. The majority of the sites listed here fall into this category, and were selected due to the quality of their original content, the strength of their links pages, or both. Each of them includes general resources on copyright and fair use, as well as recent developments in copyright of digital information. Many other universities, including Yale and the University of Texas, include substantive copyright resources on their Web sites. These sites are accessible by following the links below. The U.S. Copyright Office, ALA's Washington Office, and the World Intellectual Property Organization make up the remainder of this list; they are all important and authoritative resources for anyone seeking to understand the current state of copyright law and fair use. All of the sites included here are well designed, current, and broad enough in scope to be useful to a variety of searchers.

### **ALA Washington Office Copyright Issues**

[www.ala.org/ala/washoff/WOissues/copyrightb/copyright.htm](http://www.ala.org/ala/washoff/WOissues/copyrightb/copyright.htm).

This is the “Copyright Issues” page of ALA’s Washington Office. Because the office focuses on policy and government relations, many of the resources on the site deal with copyright of digital information and recent developments. It covers a range of issues, including fair-use legislation and DMCA, and each entry includes an overview, analysis, and links to other resources.

### **University at Albany Libraries Intellectual Property, Copyright and Fair-Use Resources**

<http://library.albany.edu/digital/copyright.html>.

University at Albany’s fair-use page is intended for faculty and students who deal with copyrighted works in their research. It features an extensive collection of links and citations, in areas ranging from the text of the law itself, guides, organizations, and discussion lists. A number of the resources listed deal with copyright of software and other electronic information.

### **When U.S. Works Pass into the Public Domain (by Lolly Gasaway)**

[www.unc.edu/%7Euncldg/public-d.htm](http://www.unc.edu/%7Euncldg/public-d.htm).

This site is more limited in scope than the others listed here, but it is an important resource for researching the copyright status of works published in the United States.

### **Indiana University Purdue University Indianapolis (IU-PUI) Copyright Management Center**

[www.copyright.iupui.edu](http://www.copyright.iupui.edu).

The Copyright Management Center at IUPUI was the first university office of its kind in the country, and it was developed to support the educational and creative mission of the university in a complex legal environment. Its Web site serves as a source of practical information regarding the use of copyrighted materials in the university environment, and features strong coverage of fair

use and copyright of digital materials. It also provides links to other Internet resources, mainly frequently asked questions pages.

### **Rutgers University Libraries Copyright Information (by Jeanne Boyle)**

[www.libraries.rutgers.edu/rul/rr\\_gateway/research\\_guides/copyright/copyright.shtml](http://www.libraries.rutgers.edu/rul/rr_gateway/research_guides/copyright/copyright.shtml).

This site is the Rutgers University Libraries research guide on copyright. The guide ranges in scope from the university's intellectual-property policies to a collection of international copyright laws. It includes links to many other sites including practical guides to copyright and fair use, organizations, and author and publisher agreements.

### **Stanford University Libraries Copyright and Fair Use**

<http://fairuse.stanford.edu>.

This frequently referenced site includes an overview of copyright, primary- and secondary-reference materials, resources for librarians, and current news and commentary. In addition to original content provided by Stanford faculty and staff, the site features an Internet- and Web-Resources page with hundreds of links to freely available Internet resources, including about sixty links to journals and collections that regularly publish on fair-use issues.

### **Berkeley Digital Library Sunsite Copyright, Intellectual Property Rights and Licensing Issues**

<http://sunsite.berkeley.edu/Copyright>.

The University of California Berkeley's Digital Library Sunsite is both a digital-library program and a collection of resources for others interested in developing digital libraries. Their Copyright and Intellectual-Property Rights site collects a wealth of resources similar in scope to the University at Albany's. Current awareness, references, and reports are all featured. Several of the sections link to resources dealing with fair use of digital materials.

### **United States Copyright Office**

[www.copyright.gov](http://www.copyright.gov)

This is the official Web site of the U.S. Copyright Office, administered by the Library of Congress. It covers an enormous range of information, including copyright basics and frequently asked questions, the text of the copyright law itself, a registry of copyrighted works, instructions for copyrighting your work, and statements to Congress by the Register of Copyrights. It also includes a page on the meaning and usage of fair use, as well as news and links to other Internet resources.

### **World Intellectual Property Organization**

[www.wipo.int/portal/index.html.en](http://www.wipo.int/portal/index.html.en).

International intellectual property treaties have been the impetus behind many of the most significant developments in U.S. copyright law in recent years. The WIPO Web site offers a wealth of freely accessible content, including the text of treaties and national laws, an intellectual property handbook, press releases and meeting information, and an electronic bookshop and Intellectual-Property Digital Library.

## References

1. Paul Goldstein, *Copyright's Highway: From Gutenberg to the Celestial Jukebox*, rev. ed. (Stanford, Calif.: Stanford Law and Politics/Stanford Univ. Pr., 2003), 31.
2. Kenneth Crews, *Copyright, Fair Use, and the Challenge for Universities: Promoting the Progress of Higher Education* (Univ. of Chicago Pr., 1993), 4.
3. Abe A. Goldman, "Copyright as it Affects Libraries: Legal Implications," in *Encyclopedia of Library and Information Science*, vol. 6, eds. Allen Kent and Harold Lancour (New York: Dekker, 1971), 72.
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